

# UNITED STATES DISTRICT COURT

## Northern District of California

Reason for Amendment: To include victim information

### \*Second Amended\*

UNITED STATES OF AMERICA

v.

Daniel Sullivan

) JUDGMENT IN A CRIMINAL CASE

)

) USDC Case Number: 5:11-cr-00471-012-DLJ

) BOP Case Number: DCAN511CR1100471-012

) USM Number: N/A

) Defendant's Attorney: Michelle Spencer

## THE DEFENDANT:

- ☒ pleaded guilty to count(s): Count Thirteen of the Superseding Information
- ☐ pleaded nolo contendere to count(s): \_\_\_\_\_ which was accepted by the court.
- ☐ was found guilty on count(s): \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 § 1030(a)(5)(A),(c)(4)(G)(i)	Intentional Damage to a Protected Computer (Class A Misdemeanor)	12/10/2010	THIRTEEN

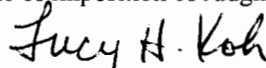
The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s): \_\_\_\_\_
- ☒ Count(s) One of the Superseding Information are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/29/2014

Date of Imposition of Judgment



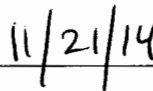
Signature of Judge

The Honorable D. Lowell Jensen

Senior United States District Judge

Name &amp; Title of Judge

Date



# FILED

NOV 21 2014

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

AO 245B (Rev. AO 09/11-CAN 03/14) Judgment in Criminal Case

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DEFENDANT: Daniel Sullivan

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CASE NUMBER: 5:11-cr-00471-012-DLJ

### **PROBATION**

The defendant is hereby sentenced to probation for a term of: ONE (1) YEAR. The defendant shall pay any restitution and special assessment that is imposed by this judgment and that remains unpaid at the commencement of the term of probation.

The Court further orders that the probation term will be deemed completed and terminated once the restitution amount is paid in full.

The defendant shall not commit another federal, state or local crime.

AO 245B (Rev. AO 09/11-CAN 03/14) Judgment in Criminal Case

DEFENDANT: Daniel Sullivan

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CASE NUMBER: 5:11-cr-00471-012-DLJ

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments.

	<u><b>Assessment</b></u>	<u><b>Fine</b></u>	<u><b>Restitution</b></u>
<b>TOTALS</b>	\$ 25.00	\$ _____	\$ 5,600 (payment due by 11/3/2014)

- ☐ The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
PayPal eBay Inc. c/o Jack Christin, Jr. Associate General Counsel Government Relations/Global Asset Protection 2065 Hamilton Avenue San Jose, CA, 95125	5,600	5,600	
<b>TOTALS</b>	<b>\$5,600.00</b>	<b>\$5,600.00</b>	

- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the fine/restitution.
- ☐ the interest requirement is waived for the fine/restitution is modified as follows:
- \_\_\_\_\_

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows\*:

- A ☒ Lump sum payment of \$5,625 due immediately, balance due  
☒ not later than 11/3/2014, or  
☒ in accordance with ☒ C, ☐ D, or ☐ E, and/or ☐ F below); or
- B ☒ Payment to begin immediately (may be combined with ☒ C, ☐ D, or ☐ F below); or
- C ☒ Payment in equal monthly (e.g., weekly, monthly, quarterly) installments of \$100.
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:  
**When incarcerated, payment of criminal monetary penalties are due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102.**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s): \_\_\_\_\_
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:
- ☐ The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future, **but such future orders do not affect the defendant's responsibility for the full amount of the restitution ordered.**

\* Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.